



[4910-RY]

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 USC 327.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final within the meaning of 23 U.S.C.

§139(l)(1). The actions relate to a proposed highway project on the West Mission Bay Drive crossing of the San Diego River flood control channel between West Mission Bay Drive/Sea World Drive intersection and the Sports Arena Boulevard/I-8 intersection in the County of San Diego, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. §139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before July 15, 2013. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans:

Kevin Hovey, Senior Environmental Planner, Caltrans, 4050 Taylor Street, San Diego, CA 92110, 7AM-3PM, 619-688-0240, Kevin\_Hovey@dot.ca.gov.

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that the Caltrans, has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: improve the West Mission Bay Drive Bridge by removing the existing four-lane bridge and replacing it with two, new, three-lane, parallel bridge structures. The total length of the new bridge will be approximately 1,300 feet. The project is located within the City of San Diego and spans the San Diego River flood control channel between West Mission Bay Drive/Sea World Drive intersection and the Sports Arena Boulevard/I-8 intersection. The federal aid project number is BHLS-5004(049). The actions by the Federal agency, and the laws under which such actions were taken, are described in the Final Environmental Assessment (FEA) for the project, approved on 2/8/13, in the FHWA Finding of No Significant Impact (FONSI) issued on 2/8/13, and in other documents in the FHWA project records. The FEA, FONSI, and other project records are available by contacting Caltrans at the addresses provided above. This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to

1. Council on Environmental Quality Regulations

2. National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 et seq.
3. Federal-Aid Highway Act of 1970, 23 U.S.C 109
4. MAP-21, the Moving Ahead for Progress in the 21st Century Act (P.L. 112-141)
5. Clean Air Act Amendments of 1990 (CAAA)
6. Clean Water Act of 1977 and 1987
7. Federal Water Pollution Control Act of 1972 (see Clean Water Act of 1977 & 1987)
8. Federal Land Policy and Management Act of 1976 (Paleontological Resources)
9. Noise Control Act of 1972
10. Safe Drinking Water Act of 1944, as amended
11. Endangered Species Act of 1973
12. Executive Order 11990, Protection of Wetlands
13. Executive Order 13112, Invasive Species
14. Executive Order 13186, Migratory Birds
15. Fish and Wildlife Coordination Act of 1934, as amended
16. Migratory Bird Treaty Act
17. Water Bank Act Wetlands Mitigation Banks, ISTEA 1991, Sections 1006-1007
18. Wildflowers, Surface Transportation and Uniform Relocation Act of 1987  
Section 130
19. Coastal Zone Management Act of 1972

20. Coastal Zone Management Act Reauthorization Amendments Of 1990

21. Executive Order 11988, Floodplain Management

22. Department of Transportation (DOT) Executive Order 5650.2 - Floodplain Management and Protection (April 23, 1979)

23. Rivers and Harbors Appropriation Act of 1899, Sections 9 and 10

24. Title VI of the Civil Rights Act of 1964, as amended

25. Executive Order 12898, Federal Actions to Address Environmental Justice and Low-Income Populations

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Authority: 23 U.S.C. §139(*I*)(1)

Issued on: February 11, 2013

Rebecca Bennett  
Director, Local Programs  
Federal Highway Administration  
Sacramento, California

[FR Doc. 2013-03535 Filed 02/14/2013 at 8:45  
am; Publication Date: 02/15/2013]